

REMARKS

Claims 1-16 are pending in the instant application. Claims 1-10 and 14-17 are withdrawn from consideration for being drawn to an unelected invention. Claim 11 has been amended to incorporate the limitations of claim 13. Claim 13 has been cancelled without prejudice. Claim 18 has been added. No new matter is added by the within amendments. The amendments are supported throughout the specification. For example, the amendment to claim 11 and new claim 18 are supported in the specification as filed on page 12, second paragraph.

Information Disclosure Statement

Applicant thanks the Examiner for the reminder that listing of references in the specification does not constitute a proper information disclosure statement. Applicants have filed multiple information disclosure statements in prosecution of the instant application which have been initialed by the Examiner. It is acknowledged that only the references listed on the appropriate PTO forms have been considered.

Claim Objections

The Office Action has objected to claim 1 for the informality of the term "Staphylococcus aureus" not being italicized. The term is not present in claim 1, but is present in claim 2 where it has been italicized. The amendment does not alter the scope of the withdrawn claim. The objection is overcome.

Claim rejections under 35 U.S.C. §112, first paragraph

Claims 11 and 12 have been rejected under 35 U.S.C. §112, first paragraph for allegedly failing to comply with the enablement requirement. The Office Action asserts that the method does not contain a step wherein the protective layer of skin is abraded or otherwise disrupted prior to application of Protein A of *S. aureus*.

Without agreeing with the rejection and purely to progress the prosecution of the instant application, Applicant has amended claim 11 to include the limitations of claim 13 which is not included in the rejection. Therefore the rejection is overcome. Withdrawal of the rejection is respectfully requested.

Claim rejections under 35 U.S.C. §112, second paragraph

Claims 11-13 are rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite and failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Applicant respectfully disagrees.

However, without agreeing with the rejection and purely to progress the prosecution of the application, Applicant has amended claim 11 to incorporate the definition of "the inflammatory skin lesion like AD" provided in the specification and reproduced below:

The term "the inflammatory skin lesion like AD" in the present invention encompasses any immune diseases which develop dependently on IL-18 and whose symptom is inflammation on skin, and is not limited to pruritic chronic inflammation which is strictly discerned as AD.

Claim rejections under 35 U.S.C. §102(b)

The Office Action has rejected claims 11 and 12 under 35 U.S.C. §102(b) for allegedly being anticipated by White et al.

Applicant respectfully disagrees.

However, without agreeing with the rejection and purely to progress the prosecution of the application, Applicant has amended claim 11 to incorporate all of the limitations into claim 13 which is not included in the rejection. The rejection is overcome.

Claim rejections under 35 U.S.C. §103

The Office Action has rejected claims 11-13 under 35 U.S.C. §103(a) for allegedly being unpatentable over White et al. in view of Tsai.

Applicant submits that Tsai is not available as art against the claims of the instant invention. Tsai was published on July 1, 2003. The instant application claims priority to a Japanese application filed on April 23, 2003 which fully supports the claims of the instantly filed application, see, e.g., claims 11 to 13 listed on page 4 of the

translation of the priority application. A certified copy of the translation of the priority document is provided herewith.

As the Tsai reference is not available, the rejection of the claims cannot stand. Withdrawal of the rejection is respectfully requested.


Conclusions

It is believed that there is no fee due with this response, however, if a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 04-1105 referencing Docket No. 64353(70940) for any fees due with any subsequent paper filed by this firm in relation to this application. Applicant requests that any overpayments be credited to the account.

Applicant submits that the application is now in proper form for allowance. If any outstanding issues remain in the case, the Examiner is encouraged to contact the Agent for Applicant listed below to discuss the matter.

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Respectfully submitted,

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